

1 testimony in the form of declarations only, from the two expert witnesses designated in Section
 2 VII.2 of the Joint Prehearing Statement (Dr. Velinsky and Dr. Klopp). and *only* with regard to the
 3 construction of the term “active assembly;” and ii) the photographs and video identified in section
 4 VII.2.f of the Joint Prehearing Statement (together with any demonstratives as noted). Plaintiff
 5 reserves the right challenge the admission of Defendants’ extrinsic evidence at the time of the
 6 claim construction hearing, or by whatever other deadline such challenges are due.

7 3. Deposition of Designated Experts. There shall be no depositions of the witnesses
 8 disclosed in the Joint Prehearing Statement with regard to claim constructions issues; provided,
 9 however, that the Parties reserve the right to depose any such witnesses for purposes other than
 10 claim construction in such witnesses’ capacity as a percipient witness or, to the extent ultimately
 11 designated as testifying experts pursuant to FRCP 26, an expert witness.

12 4. No Admission of Relevance. The Parties’ agreement herein shall not be
 13 considered an admission or concession by any Party as to the relevance or need for the Court to
 14 consider the proffered extrinsic evidence.

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 16 Dated: 10/25/11

